

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 10874 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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DHIRENDRA HARILAL SHAH & 8 - Petitioner(s)
Versus
BHAVNAGAR MUNICIPAL CORPORATION & 1 - Respondent(s)

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Appearance :

MR PV HATHI for Petitioner(s) : 1 - 9.

MR HS MUNSHAW for Respondent(s) : 1,

MR SATYAM CHHAYA, AGP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 02/03/2007

ORAL JUDGMENT

1. When the matter is taken up for hearing, the
learned Counsel appearing for both the sides are

in agreement on the point that this Special Civil Application was admitted with the other group of Special Civil Applications No.7075/1992, 503/1998, 8414/1998 and 8415/1998 and those petitions are disposed of by this Court (Coram: S.K.Keshote, J.) vide order dated 26.7.2000. The learned Counsel appearing for both the sides submit that similar order may be passed in this petition also, since the issue is common.

2. It appears that in SCA No.7075/1992 and allied matters, this Court passed the following order:-

"In all these matters as identical issue has been raised by the petitioners, the same are taken up for hearing together and are disposed of by this common order.

The challenge has been made by the petitioners, by these petitions, against the action of the respondent-Bhavnagar Municipal Corporation demanding from the petitioners an occupancy price for the land in dispute. Earlier this court has occasion to deal with

identical matter being Special Civil Application No.8416 of 1998 on 21.6.2000. These matters are squarely covered by the aforesaid decision. As a result of which all these Special Civil Applications are disposed of in terms that for the grievances made by the petitioners in these Special Civil Applications they may file detailed representation to the Commissioner of Corporation and the Commissioner is directed to decide the representation filed by them within a period of one month from the date of the receipt thereof. Where grievance of the petitioners are not acceptable, a reasoned order be passed and copy of the same be sent by Registered Post A.D. to the petitioners. If interim relief is granted earlier, the same shall be continued till the matter is decided by the Commissioner. Liberty is granted to the petitioners for revival of the Special Civil Applications, in case, the decision goes against the petitioners.

Rule in all the Special Civil Applications are disposed of accordingly with no

order as to costs."

3. Since the question involved in the present petition is also pertaining to the recovery of water connection charges, transfer fee, drainage connection charges and occupancy charges, if similarly direction is given no prejudice will be caused. Hence, the following order:-

(a) That for the grievances made by the petitioner in this Special Civil Application, they may file detailed representation to the Commissioner of the respondent Corporation and the Commissioner is directed to decide the representation filed by them within a period of one month from the date of the receipt thereof. In the event the grievance of the petitioners are not acceptable, a reasoned order be passed and copy of the same be sent by Registered Post A.D. to the petitioners. If interim relief is granted earlier, the same shall be continued till the matter is decided by the Commissioner.

Liberty is granted to the petitioners for revival of the Special Civil Application, in case, the decision goes against the petitioners.

4. The petition is disposed of accordingly in terms of the aforesaid directions. Rule made absolute accordingly.

2.3.2007

(Jayant Patel, J.)

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